

**REMARKS**

Claims 1-34 are pending in this application. This application is a continuation of parent application serial number 10/030,247, now abandoned. In the parent application, a Final Office Action was mailed on August 12, 2003, and a Response under 37 C.F.R. § 1.116 was filed on November 12, 2003. This is a Preliminary Remarks paper because no Office Action has yet been received in the present application.

Reconsideration and review of the claims on the merits are respectfully requested.

***Claim Rejections - 35 USC § 102 and § 103***

In the Final Office Action mailed August 12, 2003, the Examiner made the following rejections (Claims 8-24 and 27-35 were withdrawn from consideration by the Examiner):

Claims 1-3 were rejected under 35 U.S.C. §102(b) as assertedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Tamura et al (US 4,539,393) substantially as set forth in the previous Office Action.

Claim 4 was rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tamura et al substantially as set forth in the previous Office Action.

Claims 5-7 were rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tamura et al in view of Tsutsumi et al (US 5,571,875) substantially as set forth in the previous Office Action.

Claim 36 (corresponding to present Claim 34) was rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tamura et al in view of JP 59-14494 as evidenced by Kawakami (US 5,888,666) for the reasons given in the Office Action.

Regarding Applicants' previous arguments, the Examiner was not persuaded. In an Advisory Action mailed on December 5, 2003, the Examiner stated that Tamura does disclose the obtained film being porous by adding an inorganic salt to the coagulating bath. The Examiner maintained that the porosity and the air permeability would have been inherently present.

Applicants respectfully traverse the previous rejections of the Final Office Action mailed August 12, 2003, which were maintained in the Advisory Action mailed December 5, 2003. Applicants provided remarks in a Response under 37 C.F.R. § 1.116 timely filed on November 12, 2003, which are incorporated in whole by reference.

The present invention is patentably distinguishable from the cited references, particularly Tamura et al. Applicants focus on the patentability of the independent claims 1, 2, 3, and 5. The dependent claims each incorporate the subject matter of an independent claim.

Although the Examiner alleges that the porous film of the present invention is produced from the same materials and the same process as disclosed by Tamura et al. such that they are the same films, Applicants provide experimental evidence submitted in the concurrently filed Rule 132 Declaration and accompanying remarks to show that the density range of the film disclosed in Tamura et al. does not correspond to the density range for a polymetaphenylene isophthalamide-based polymer *per se*. That is, the film of Tamura et al. discloses a specific density range which does not provide for a porous film having a porosity of 60-80% based on a polymetaphenylene isophthalamide-based polymer.

The density of the film of Tamura et al. is 1.35 to 1.41 g/cm<sup>3</sup> according to the description in Claim 1 of Tamura et al. On the other hand, according to Kazaryan, L.G.; Tsvankin, Polym. Sci. USSR, 17, pp. 1797 - 1807 (1975), the density of a polymetaphenylene isophthalamide-based polymer *per se* is given below as follows:

Density: 1.465 [g/cm<sup>3</sup>] Remark: calcd. from unit cell const.

Density: 1.40 [g/cm<sup>3</sup>] fiber

Density: 1.33 [g/cm<sup>3</sup>] Remark: 100% amorphous density and thus is to be  
a value ranging from 1.33 to 1.465 g/cm<sup>3</sup>  
although it is somewhat varied depending  
on the crystallinity.

The porosity of a film is determined by the formula: Porosity = [(polymer density - film density)/polymer density] x 100 (%). When the above polymer density values from Kazaryan are introduced into this formula, Applicants submit that the density of a film having a porosity of 60 to 80% is calculated to be 0.266 to 0.586 g/cm<sup>3</sup>. Therefore, it is proved that the density of the film in Tamura et al. cannot be 1.35 to 1.41 g/cm<sup>3</sup>, and it is respectfully submitted that Tamura does not inherently disclose Applicants' claimed porosity range.

In contrast, the density of the polymetaphenylene isophthalamide used in Examples 1 to 7 of the present application (relative viscosity = 1.8) is 1.338 g/cm<sup>3</sup>, as seen from the enclosed Rule 132 Declaration executed by Mr. Susumu Honda, one of the inventors of the present invention.

Further, Applicants note that the porosity of the film of Tamura et al. is at most 7.8% as calculated from the above-mentioned density of Tamura et al.

Therefore, the film of Tamura et al. is a dense film in view of its density and porosity and, thus, is completely different from the film of the present invention which is a porous film having a porosity of 60 to 80%. Thus, Applicants respectfully submit that the present invention is patentably distinguished from Tamura et al.

It is furthermore noted that the moisture absorption of a polymetaphenylene isophthalamide-based polymer is about 5% and the moisture absorption does not correspond to the presence of pores.

These distinctions, or deficiencies, in Tamura et al are not remedied by the secondary references to Tsutsumi, JP 59-14494 or Kawakami.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections from the parent application number 10/030,247, and earnestly request allowance of the pending claims.

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

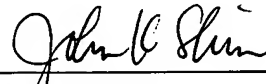
**PRELIMINARY REMARKS**

U.S. Application No. 10/776,184

**Q79839**

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Respectfully submitted,



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**23373**

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